

REMARKS

Claims 11-20 remain in this application. Claim 11 has been amended.

In the Office Action dated June 22, 2004, the Examiner rejected, in particular, independent claim 11 of the present application under 35 U.S.C. §102(b) as being anticipated by Imai (EP 0704446 A2). For the following reasons, Applicants respectfully traverse the Examiner's rejection and respectfully request the withdrawal thereof.

Regarding claim 11, the Examiner indicated that the Imai reference shows a telephone comprising, in particular, "a second part (102) which has a first operating position covering the screen (Fig. 5a),"... and "a telephone receiver (above 109 in Fig. 5a)." However, Applicants respectfully submit that the telephone receiver of Imai does not, in fact, disclose a telephone receiver "wherein the receiver is particularly positioned in the second part of the housing to be over a surface of the touch screen in the first operating position." Indeed, the telephone receiver disclosed in the Imai reference is actually located in its respective housing whereby it *is not* over the surface of the associated touch screen when in a first operating position. Conversely, the telephone receiver is positioned in an area which extends outwards and away from the surface of the touch screen. While the first part (101) of the Imai telephone, *as a whole*, may cover the touch screen, the disclosed telephone receiver itself clearly does not.

This detail must not be underestimated. Such arrangements in the prior art where the telephone receiver is positioned to be outside the surface area of the touch screen necessarily lead to an extended length of the associated portable telephone which is significantly bigger than a housing size necessary for housing only the touch screen. The present invention has addressed this drawback by providing a second part of the housing incorporated with the telephone receiver, wherein the receiver is particularly positioned in a space of this second part of the housing which needs to be provided anyway due only to the size of the touch screen. As a result, the invention as claimed does not require any further enlargement of the size of the telephone; i.e., the size of the housing of the telephone is significantly minimized.

In light of the above, Applicants respectfully submit that independent claim 11 of the present application, as amended, as well as claims 12-20 which respectfully depend therefrom, are both novel and non-obvious over the art of record. Accordingly, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

It is further noted that no fees are due in connection with this response at this time. If any fees are due in connection with this application as a whole, the office is hereby authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the Attorney Docket Number (0112740-526) on the account statement.

Respectfully submitted,

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